

**CUSTOMER NO.: 24498**  
**Serial No.: 10/518,670**  
**Date of Office Action: 10/16/07**  
**Response dated: 01/23/08**

**PATENT**  
**PU020289**

### **Remarks/Arguments**

In the non-final Office Action dated October 16, 2007, it is noted that claims 1-16 are pending, that claims 1-16 stand rejected under 35 U.S.C. §103, and that the drawings filed on December 17, 2004 have been accepted.

In the amendments above, claim 11 has been amended to define more clearly as aspect of the inventive subject matter, and this amendment is supported throughout the specification. Also, claims 1 and 5-10 have been amended to further increase clarity by adding the term "based", as already appears in claims 3, 11, and 14-16. The addition of the term "based" is supported throughout the specification.

Claims 17-19 have been newly added. Claim 17 is supported at least in part by the original specification at page 10, line 11 - page 11, line 6. Claims 18-19 are supported at least in part by the original claims as well as the original specification at page 4, lines 4-10.

Also in the amendments above, the specification has been amended at page 1 to insert an express incorporation by reference that had been inadvertently deleted by the Preliminary Amendment; the specification has also been amended at pages 5, 6, and 8 to include the serial number of a cited patent application; and finally the specification has been amended at page 10 to correct a typographical error.

No new matter has been added by the amendments presented above to the claims and the specification.

By this response, reconsideration of the application and allowance of the claims are respectfully requested.

### **Cited Art**

The references cited and applied against the claims are listed as follows: U.S. Patent 6,667,954 to Boduch et al. (hereinafter referenced as "*Boduch*") and U.S. Patent 6,246,681 to Humphrey et al. (hereinafter referenced as "*Humphrey*").

### **Rejection of Claims 1-16 under 35 U.S.C. §103**

Claims 1-16 stand rejected under 35 U.S.C. §103 as being unpatentable over Boduch in view of Humphrey. This rejection is respectfully traversed.

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Claim 1 is an apparatus claim from which claims 2-10 depend, either directly or indirectly. Claim 11 is a method claims from which claims 12-16 depend, either directly or indirectly. Claim 11 includes limitations similar in nature to those presented in claim 1. Accordingly, the remarks below will be understood to apply to both sets of claims without requiring a full repetition of those remarks.

Claim 1 calls, in part, for first and second router cards that each generate an associated set of M parity encoded output digital audio streams from N parity encoded input digital audio streams. Neither Boduch nor Humphrey teach, show, or suggest a switching matrix defined as  $N \times M$ . Moreover, the present Office Action lacks any reference to Boduch and Humphrey for the  $N \times M$  matrix, as defined in the claims. Accordingly, independent claim 1 (and all claims depending from claim 1) are allowable over the applied art.

Dependent claim 5 is allowable for at least the reason discussed above with respect to claim 1. However, claim 5 includes at least an additional independent point of patentability. We note that claim 5 recites, in part, that (underlining added):

Said logic circuit asserts said switching signal based upon detection of said parity error in said selected one of said first and second sets of M parity encoded output digital audio data streams regardless of whether a parity error is present in said unselected one of said first and second sets of M parity encoded output digital audio data streams

Neither Boduch nor Humphrey, either separately or in combination, teach, show, or suggest that the output should be switched from a selected set of the M parity encoded output digital audio streams to an unselected set of the M parity encoded output digital audio streams based upon detection of a parity error in the selected set of the M parity encoded output digital audio streams, regardless of errors in the unselected set. Boduch clearly explains in relation to his Figure 6(b) that both sets (i.e., his network copy A and network copy B) are always tested before a switch is made, whether or not one or both sets of his cells exhibits an error via the status setting of TRUE. When Boduch encounters a setting of TRUE in network copy A, Boduch performs an additional test by looking at the status of network copy B. In comparison, Humphrey, at cols. 15 and 16, clearly explains a method for plane

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selection that is identical to that proposed in Boduch. The techniques of Boduch and Humphrey are very different from what Applicants have defined in the claims. Applicants clearly call for switching from the selected set to the unselected set upon encountering an error in the selected set. Applicants do not call for any additional testing of the unselected set before deciding to switch from the selected set to the unselected set. In fact, claim 5 expressly recites that switching to the unselected set is performed "regardless of whether a parity error is present in said unselected" set. Thus, neither Boduch nor Humphrey, either separately or in combination, teach, show, or suggest the elements of Applicants' claims.

Independent method claim 11 includes recitations similar to those of claim 1 discussed above. Accordingly, claim 11 is allowable over the applied art for at least the reasons discussed above with respect to claim 1. In addition to those reasons, however, it is noted that the claim includes limitations of:

*"each one of said at least one component of said first router matrix card adding at least one bit of information to said first set of M output digital audio data streams propagating therethrough ... each one of said at least one component of said second router matrix card adding at least one bit of information to said second set of M output digital audio data streams propagating therethrough".*

Contrary to the arguments raised in the present Office Action, it should be noted that neither Boduch nor Humphrey teach, show, or suggest these claimed limitations. Boduch at col. 4, line 53 through col. 5, line 8 makes it clear that the "cell overhead extractor/monitor 201" takes information out of the cell streams and stores that information in registers in order to maintain the status information. At no point in the cited or uncited portions of Boduch is there a teaching or remote suggestion that the cell overhead extractor/monitor adds information to the cell streams, as defined by Applicants' claim 11. In further contrast to Applicants' claimed subject matter, it should be noted that Boduch's cell overhead extractor/monitor 201 is a single device in an ASIC of an egress port module whereas Applicants call for the adding of information in "each one of said at least one component of said first router matrix card" and "each one of said at least one component of said second router matrix card". Thus, neither Boduch nor Humphrey, either separately or in combination, teach, show, or suggest the elements of claim 11. Accordingly, claim 11 and those claims depending from claim 11 are allowable over the applied art.

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New independent claims 18 and 19 include recitations similar to those of claim 1 discussed above. Accordingly, claims 18 and 19 are allowable over the applied art for at least the reasons discussed above with respect to claim 1.

In light of the reasons set forth above, it is submitted that Boduch and Humphrey fail to teach all the elements of independent claims 1, 11, 18, or 19. Because the dependent claims include all the limitations of their respective independent base claims, it is further submitted that Boduch and Humphrey fail to teach all the elements of dependent claims 2-10 and 12-17. Accordingly, it is submitted that the present claims would not have been obvious to a person of ordinary skill in the art upon a reading of Boduch and Humphrey. Thus, it is submitted that claims 1-16 are patentable. Withdrawal of the current rejections is respectfully requested.

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### CONCLUSION

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration of the application and allowance of all the claims are respectfully solicited.

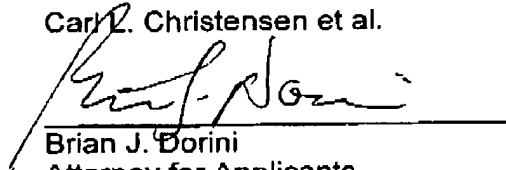
If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the applicants' attorney at (609) 734-6817, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

Please charge the \$120.00 fee for the One-Month Extension, and the \$210.00 cost for the additional independent claim, and any other costs or credit any overpayments, to Deposit Account No. 07-0832.

Respectfully submitted,

Carl E. Christensen et al.

By:

  
Brian J. Dorini  
Attorney for Applicants  
Registration No. 43,594

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Patent Operations  
Thomson Licensing LLC  
P.O. Box 5312  
Princeton, NJ 08543-5312

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